

Docket No.: 95-423

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

**EXPEDITED PROCEDURE
UNDER 37 CFR §1.116**

SCHENEFIEL

Serial No.: 09/551,914

Group Art Unit: 2143

Filed: April 19, 2000

Examiner: NGUYEN, PHUOC H

For: ARRANGEMENT FOR ACCESSING AN IP-BASED MESSAGING SERVER BY
TELEPHONE FOR MANAGEMENT OF STORED MESSAGES

RESPONSE AFTER FINAL

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

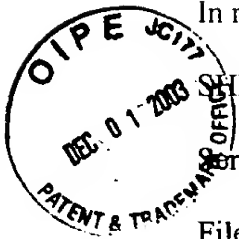
In response to the Final Official Action mailed September 29, 2003, applicants submit the following arguments.

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1-29 are pending in the application.

Claims 1-6, 8, 11-23, 25, and 28-29 stand rejected under 35 USC §102(e) in view of U.S. Patent No. 6,507,817 to Wolfe et al. This rejection is respectfully traversed. The arguments submitted July 11, 2003 are incorporated in their entirety herein by reference. The following comments elaborate on the arguments in view of the Final Action.

First, the Final Action asserts that "Applicants still have failed to clearly disclose the novelty of the invention and identify specific [sic] limitation, which would define patentable distinction over

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prior art.” In response, the following clarification is submitted:

Wolfe et al. does not disclose the claimed **“identifying the messaging operation in the application server by interpreting the audio file”** as specified in independent claims 1 and 18;

Wolfe et al. does not disclose the claimed **“receiving an HTTP request ... having an audio file ... specifying a messaging operation”** and **“outputting a selected function call specifying the [i.e., derived from the audio file] messaging operation”** as specified in claims 11 and 14;

Wolfe et al. does not disclose the claimed browser **“generating a first file, that specifies a messaging operation ... based on voice signals received from a user and that specify the messaging operation”** and **“receiving an HTML page from the application server including a second file having an indication whether the messaging operation ... was executed by the messaging server”** as specified in claim 28.

The Final Action improperly disregards Applicant’s arguments and the explicit teachings of the applied reference: The Final Action fails to even acknowledge Applicant’s arguments that:

- (1) Wolfe et al. does not disclose use of a speech recognition system;
- (2) Wolfe et al. does not use the disclosed voice resource for speech recognition, but rather uses the voice resource for controlling playback of a supplied audio file under the control of XML tags within the HTML pages.

Hence, the Final Action is improper because it fails to answer all material traversed (See MPEP 707.07(f) entitled **Answer All Material Traversed**: “Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant’s argument and answer the substance of it.”

The Final Action applies a strained interpretation of Wolfe et al. in its Response to Response After Final Filed December 1, 2003
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Arguments to assert that Wolfe et al. discloses interpreting voice signals:

“...the application server receives a HTTP requests [sic] from a PC-based web browser which contain an [sic] audio content ... the voice application server accesses a selected XML document that defines an application operation to be performed, based on parameters specified with [sic] the HTTP request....”

The Final Action has demonstrated only that: (1) Wolfe et al. teaches that the application server receives an HTTP request having audio content; and that (2) Wolfe et al. also teaches that the HTTP request specifies parameters that are used to access a selected XML document that defines an application operation.

However, the Final Action fails to identify the most critical component: that the parameter used to access the selected XML document is specified within the audio content. In fact, the cited portions of Wolfe et al. read as follows:

As shown in FIG. 1, each of the clients (tiny clients, skinny clients, thin clients and fat clients) are able to communicate via a single, unified architecture 60 that enables voice communications services between different clients, regardless of whether the client actually has browser capabilities. Hence, the fat client 42a and the thin client 42b are able to execute voice enabled web applications without any hardware modification or any modification to the actual browser; rather, the browsers 56 in the clients 42a and 42b merely are provided with an executable voice resource configured for providing browser audio control, described below.

(Col. 4, 28-40)

The proxy browser 62 and the web browsers 56 within the fat client 42a and the thin client 42b execute voice enabled web applications by sending data and requests to a web server 64, and receiving hypertext markup language (HTML) web pages from the web server 64, according to hypertext transport protocol (HTTP). The web server 64 serves as an interface between the browsers and an application server 66 that provides an executable runtime environment for XML voice applications 68. For example, the web server 64 may access the application server 66 across a common gateway interface (CGI) as illustrated in FIG. 2, by issuing a function call across an application programming interface (API), or by requesting a published XML document or an audio file requested

by one of the browsers 56 or 62. The application server 66, in response to receiving a request from the web server 64, may either supply the requested information in the form of an HTML page having XML tags for audio control by a voice resource within the browser, or may perform processing and return a calculated value to enable the browser 56 or 62 to perform additional processing.

(Col. 5, lines 16-37) (emphasis added).

Once the submitting party posts the form to the web server 64', the CGI parses the form to determine status and generates a message (e.g., e-mail) to the approving party specified in the completed form using database APIs 82 (e.g., SMTP service for storage of e-mail messages in IMAP 86).

With regard to form approval, the application server 66 receives, via the web server 64, HTTP requests from either a PC-based web browser 56 capable of supplying full media content (e.g., audio, text, images, and streaming video), or a lightweight or proxy browser 62 configured for serving as an HTTP interface for a user input device, such as a telephone 18, having limited media capabilities (e.g., audio only). In response to receiving the HTTP requests, the voice application server 66 accesses a selected XML document 68 that defines an application operation to be performed, based on parameters specified within the HTTP request, and based on application state determined from accessing a brownie, assuming the HTTP request specifies a valid session identifier. As described below, the application runtime environment within the voice application server 66 parses the XML tags within the accessed XML document 68, and dynamically generates a first HTML page having XML tags that specify media content (e.g., .wav files) and control information for playing the media files by the corresponding browser. The proxy browser 62 is configured for parsing a prescribed portion of a prescribed group of media tags.

The voice application server 66 is configured for accessing service application programming interfaces (APIs) 82 to external resources based on prescribed procedures that may be called during parsing of an XML tags in a selected XML document 68.

(Col. 6, lines 14-44)

As apparent from the foregoing, Wolfe et al. does not disclose the claimed features of: receiving an HTTP request having an audio file specifying an messaging operation; interpreting an audio file in order to identify the messaging operation; or generating a file that specifies a

messaging operation based on user voice signals that specify the messaging operation, as claimed.

Hence, the rejection should be withdrawn because it fails to demonstrate that Wolfe et al. discloses each and every element of the claim. See MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation cannot be predicated on teachings in the reference which are vague or based on conjecture." Studiengesellschaft Kohle mbH v. Dart Industries, Inc., 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), aff'd., 726 F.2d 724, 220 USPQ 841 (Fed. Cir. 1984).

For these and other reasons, the §102(e) rejection should be withdrawn.

The indication of allowable subject matter in claims 7, 9, 10, 24, 26, and 27 is acknowledged and appreciated. It is believed that these claims are in allowable form in view of the foregoing.

In view of the above, it is believed this application is and condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-423, and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L R Turkevich', with a stylized flourish at the end.

Leon R. Turkevich
Registration No. 34,035

Customer No. 23164
(202) 261-1059
Date: December 1, 2003
(November 29, 2003 = Saturday)